

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA

JAMES L. RAY JONES, JR.,

Petitioner

-VS-

MR. GERALD ROZUM,

Respondent

.....

NO. 3:CV-05-2639

(Judge Kosik)

MEMORANDUM AND ORDER

_____AND NOW, this 30th day of January, 2006, IT APPEARING TO THE COURT THAT:

(1) Petitioner, James Ray Jones, Jr., a prisoner confined at the State Correctional Institution at Somerset, filed the instant petition for writ of habeas corpus pursuant to 28 U.S.C. §2254 on December 19, 2005;

(2) In his petition, petitioner challenges a conviction from the Court of Common Pleas of Philadelphia County;

(3) The matter was assigned to United States Magistrate Judge J. Andrew Smyser;

(4) In a Report and Recommendation filed on December 23, 2005, the Magistrate Judge recommended that the case be transferred to the United States District Court for the Eastern District of Pennsylvania;

(5) Specifically, the Magistrate Judge noted that Petitioner is housed at an institution in the Western District of Pennsylvania and that the conviction which he is challenging occurred in the Eastern District of Pennsylvania;

(6) The Magistrate Judge stated that it would be in the interest of justice to transfer the petition to the Eastern District of Pennsylvania, the district of conviction;

(7) No objections have been filed to the Report and Recommendation;

AND, IT FURTHER APPEARING THAT:

(8) If no objections are filed to a Magistrate Judge's Report and Recommendation, the plaintiff is not statutorily entitled to a *de novo* review of his claims. 28 U.S.C.A. §636(b)(1)(C); *Thomas v. Arn*, 474 U.S. 140, 150-53 (1985). Nonetheless, the usual practice of the district court is to give "reasoned consideration" to a Magistrate Judge's report prior to adopting it. *Henderson v. Carlson*, 812 F.2d 874, 878 (3d Cir. 1987).

(9) Having considered the Magistrate Judge's Report, we agree with the recommendation.

ACCORDINGLY, IT IS HEREBY ORDERED THAT:

(1) The Report and Recommendation of Magistrate Judge J. Andrew Smyser dated December 23, 2005 (Document 4) is **ADOPTED**;

(2) The Clerk of Court is directed to **TRANSFER** the instant action to the United States District Court for the Eastern District of Pennsylvania and to forward a copy of this Memorandum and Order to the Magistrate Judge.

s/Edwin M. Kosik
United States District Judge